



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
---------------	-------------	----------------------	---------------------

087153, 009 11/2/94 FILED

E3M1/0119

PAUL C. SCIFO
230 BROADWAY
SUITE 4703
NEW YORK, NY 10279

EXAMINER	
ART UNIT	PAPER NUMBER
2307	6

DATE MAILED:

01/19/95

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on 11-2-94 ☒ This action is made final.

Shortened statutory period for response to this action is set to expire 3 month(s), 0 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- ☐ Notice of References Cited by Examiner, PTO-892.
- ☐ Notice of Draftsman's Patent Drawing Review, PTO-948.
- ☐ Notice of Art Cited by Applicant, PTO-1449.
- ☐ Notice of Informal Patent Application, PTO-152.
- ☐ Information on How to Effect Drawing Changes, PTO-1474.
- ☐

Part II SUMMARY OF ACTION

- ☒ Claims 1-15 are pending in the application.
- Of the above, claims _____ are withdrawn from consideration.
- ☐ Claims _____ have been cancelled.
- ☐ Claims _____ are allowed.
- ☐ Claims _____ are rejected.
- ☐ Claims _____ are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.
- ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
- ☐ Formal drawings are required in response to this Office action.
- ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
- ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
- ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
- ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.
- ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
- ☐ Other

EXAMINER'S ACTION

Serial Number: 08/158,029

-2-

Art Unit: 2307

CLAIMS 1-15 ARE PENDING

1. The disclosure is objected to because of the following informalities:

In claim 11 at line 4 it appears that "system" should be plural.

Appropriate correction is required.

2. Claims 1-15 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1:

At line 4 in the preamble is stated that the method of searching involves a means such that "users can request" (emphasis added). In light of the specification, a "locator" is the identification of data known to the user, and terms such as "identifier" and "code designation" are internal.

Thus part (d) is confusing because it appears to state that a request for a record causes the generation of a code designation, which leads to the provision of a group of locators from which a request can be made.

08158029-112593

Art Unit: 2307

It is not clear if this is an iterated request involving other locator(s), or if "the" request for a record is a generic request for an as yet unspecified record. In the latter case, "the record" does not have a proper antecedent. In the former case, a locator must be used to generate a new set of locators to request the very record apparently already designated at the locator level.

In the interest of compact prosecution, a third alternative is applied to prior art: The request to retrieve some record prompts display of a set of locators, from which the user selects one as a request for a specific record.

Claims 2-10 are rejected as being dependent on claim 1 and failing to resolve the basis of the rejection.

In claim 6:

One of ordinary skill in the art understands that a record can contain code capable of supporting interaction, and that retrieval of a record may invoke the execution of a routine.

Nevertheless, it is not clear that a record in and of itself can be an "interactive application", which is a process, not a data structure. The rejection of the prior action is maintained.

Claims 7-10 are rejected as being dependent on claim 6 and failing to resolve the basis of the rejection.

Serial Number: 08/158,029

-4-

Art Unit: 2307

In claim 11:

As amended, lines 27-28 contain one left "[" and two right "]" symbols. In the interest of compact prosecution it is assumed in regard to prior art that the entire part (f) was to be deleted.

Claims 12-15 are rejected as being dependent on claim 11 and failing to resolve the basis of the rejection.

In claim 13:

The phrase "the table code identifiers" at line 2 does not have a proper antecedent. There are a number of candidates, such as "table code designation", and "application identifier" and "object identifier", but this phrase appears to imply that "table codes" have identifiers in themselves; there is otherwise no point in adding "identifiers" to "table code". The rejection of the prior action is maintained.

Claims 14-15 are rejected as dependent on claim 13 and failing to resolve the basis of the rejection.

In claim 15:

The phrase: "the corresponding text and graphic data" (emphasis added), does not have a proper antecedent.

The phrasing: "objects which make up the application that are derived by using the identified table" is confusing.

Art Unit: 2307

It appears from claim 1(e) that a single application is chosen from the table, and from claim 13 that a plurality of objects can be derived from an application. In that context, either the application is "derived from the table" and it is singular, or that a plurality of objects are derived from the application.

The rejection of the prior action is maintained.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-15 are rejected under 35 U.S.C. § 102(b) as being anticipated by Cichelli et al, USP 4,429,385, Method and Apparatus for Digital Serial Scanning With Hierarchical and Relational Access.

The basis of the rejection is the correspondence between the elements of the claims and the teachings of Cichelli et al. (Cichelli) as detailed below.

While this maintains the rejection on the basis of Cichelli as in the prior action, the correspondence is restructured on the basis of the amendments to the claims and the Response.

Art Unit: 2307

In claim 1:

"A method of searching for and retrieving records included in a database provided in a computer network, the network having a plurality of reception systems at which respective users can request and retrieve respective records"

(Col 1 lines 8-31.)

"providing record locators indexed to record identifiers for the respective database records"

(Col 8 lines 43-44 and lines 55-58, where the headnote includes a record identifier. Physical record location in a stream of frames determined by a database is effected by a key which corresponds to a record identifier; col 9 lines 31-63, where the frames contain identifiers, (lines 47-51), which correspond to the locators which in turn support relational queries, (lines 36-38).

Cichelli makes it clear, at col 9 lines 1-4 and elsewhere, that the internal index is not the locator presented to the end user for menu and/or data selection. It is considered that this is the basis of the distinction between "locator" and {"record identifiers"; "group code designators"} in the claims.)

"arranging multiple locators and respective indexed identifiers in a plurality of groups, the groups respectively establishing predetermined subset searches of the database records"

(Col 9 lines 5-29, where groups are determined by menus.)

Serial Number: 08/158,029

-7-

Art Unit: 2307

"assigning code designations to the respective locator groups"

(Col 9 lines 5-16.)

"generating a locator group code designation in response to a request for a record so that a group of record locators may be provided at the reception system and so that a locator may be selected which enables identification and retrieval of the record"

(Col 9 lines 47-63, where the identification information is converted into an appropriate code to access the appropriate frames.)

In claim 2:

"providing record locators indexed to record identifiers includes setting the locators as mnemonics that are indexed to the respective identifiers for the respective records in the database"

(Col 11, Example menu.)

In claim 3:

"arranging the locators in groups includes arranging the locator mnemonics in tables in which the respective mnemonics are indexed to the respective record identifiers"

(Col 11 lines 36-42, where the locators are screens of various types, each of which is indexed to a group of records.)

Art Unit: 2307

In claim 4:

"assigning code designations to the respective locator groups includes establishing the respective code designations as alphabetically sequenced character strings such that when a character sequence is entered at a reception system to designate a requested record, a locator table may be provided at the reception system from which a group of respective record identifiers may be selected."

(Col 5 lines 29-31, where a newspaper's classified ads are used as an example database. It is well-known to those in the art that such advertisement sections are arranged in an alphabetical sequence. It is clear that in such a database, the sections that correspond to sub-menus would naturally be alphabetically arranged headings as they are in a newspaper.)

In claim 6:

"the records to be searched for and retrieved are interactive applications associated with an interactive service, and wherein the applications are arranged to be generated from objects"

(Col 8 lines 45-47.)

In claim 7:

"providing locator keywords indexed to respective record identifiers includes establishing the identifiers as object identifications"

(Col 8 lines 45-47, where code is retrieved, and the thrust of Cichelli as a whole, where data is the presumed target; as a combination this is an anticipation of objects even in the OOPS sense of combined data and code, applied to a suitable database.

Art Unit: 2307

In particular, it is noted that there is no claim of retrieving an OOPS object and then executing it within a system in which that can be done, from which the special nature of such an object is moot.)

In claim 8:

"one of the multiple search procedures for entering the character sequence at the reception system includes entering the character sequence as a description of a desired application"

(This is addressed in Cichelli in terms of the distinction between an attribute and a keyword at col 6 lines 40-68, where varieties of entries are used to access the same attribute.)

In claim 9:

"one of the multiple search procedures for entering the character sequence includes entering the character sequence as a selection of the desired application from an alphabetical listing of applications"

(Col 11 lines 26-28 as applied to the content of claim 6.)

In claim 10:

"one of the multiple search procedures for entering the character sequence with a plurality of search strategies includes entering the character sequence as a selection of the desired application from a subject-category listing of applications"

(Col 11 example menu; this particular example can be narrowly interpreted as choices of data collections.

08/158,029 "1.369
Cichelli"

Art Unit: 2307

However, it is clearly intended to illustrate the choice of
availables, which, in light of col 8 lines 45-47, can include
programs.)

The analysis of claims 11-15 is similar, and they are
rejected on those grounds.

4. Applicant's arguments filed 11-2-94 have been fully
considered but they are not deemed to be persuasive.

In Regard to 35 USC § 112:

As discussed at length in the Response, claims are to be
read in the light of the Specification. However, Applicant bears
the responsibility of crafting claims so that the light can be
applied without ambiguity.

Applicant has argued at page 11 lines 1-7 that "locators are
provided in the pre-created search table" and that "Reference in
this respect may also be made to claim 3."

In this regard, independent claims must stand alone; there
is no reference in claim 1 to a pre-created table from which the
initial locator of the request is selected, and claim 3 does not
resolve the issue as addressed in § 3 above.

Art Unit: 2307

The other arguments with respect to 35 USC § 112 are considered to be either rendered moot by amendment or adequately responded to in § 2 above.

In regard to 35 USC § 102(b):

The Response, particularly at page 15 last paragraph *et seq*, argues that Cichelli does not apply because it does not apply "locators" and "identifiers" in the same way. This is addressed in some detail above as appropriate, but the kernel of the argument fails to take into account the context of Cichelli, in which (one embodiment of) the database is the set of frames being broadcast. No fundamental distinction between the database of the Disclosure and as addressed in the Claims and the context of Cichelli is apparent, and it is considered moot.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Serial Number: 08/158,029

-12-

Art Unit: 2307

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne Amsbury whose telephone number is (703) 305-3828.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

upa
WPA

January 13, 1995

08158029-12003

Thomas G. Black
THOMAS G. BLACK
SUPERVISORY PATENT EXAMINER
GROUP 2300